

ORDINANCE NO. 316_2016

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF SUGAR CITY, IDAHO; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF SUGAR CITY, IDAHO, AND THE CLASSIFICATION OF THE SAME UNDER THE ZONING ORDINANCE OF THE CITY OF SUGAR CITY, IDAHO; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the lands hereinafter described are contiguous and adjacent to the City of Sugar City, Idaho, and have been laid off, subdivided or platted, and have been determined to be reasonably necessary to assuring the orderly development of the City of Sugar City, Idaho, and

WHEREAS, it appears to the Mayor and City Council of the City of Sugar City, Idaho, that the hereunder described properties are subject to annexation to the City of Sugar City under and pursuant to the provisions of Section 50-222, Idaho Code, and that said lands should be annexed to and become a part of the City of Sugar City, Idaho, and

WHEREAS, the City Council referred the zoning of the affected territory for report and recommendations to the Planning and Zoning Commission, and the Planning and Zoning Commission made its report and recommendations for zoning classification of the hereinafter described properties proposed to be annexed, and

WHEREAS, the City Council has determined that the proper classification under the Zoning Ordinance of the City of Sugar City, Idaho, for the properties to be annexed are as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, AS FOLLOWS:

SECTION I. That the following described lands situated in the impact area of Sugar City, Madison County, Idaho have been proposed for annexation into the City of Sugar City, to-wit:

SEE THE ATTACHED EXHIBIT A.

These Parcels, also identified on the Annexation Map, shall be, and the same hereby are annexed to the City of Sugar City and shall be, and are hereby declared to be a part of the City of Sugar City, Idaho.

Instrument # 402839

REXBURG, MADISON, IDAHO

6-16-2016 08:35:29 AM No. of Pages: 3

Recorded for : CITY OF SUGAR CITY

KIM H. MUIR

Fee: 0.00

Ex-Officio Recorder Deputy

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REC'D AUG 08 2016

SECTION II. That the above described properties hereby annexed to the City of Sugar City be, and the same are hereby classified under the Zoning Ordinance of the City of Sugar City as TA Transitional Agriculture, that the Zoning Map of the City of Sugar City shall be amended to show this annexation and classification of the above described properties so annexed and that said amendment shall be certified to and declared to be the official Zoning Map of the City of Sugar City by a certificate of the Mayor and Council of the City of Sugar City endorsed thereon.

SECTION III. This ordinance shall be in full force and effect from and after its passage, approval and due publication.


ENACTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this day of 26th day of May, 2016.

CITY OF SUGAR CITY, IDAHO

(SEAL)


David D. Ogden, MAYOR

ATTEST:


Wendy McLaughlin,
CITY CLERK-TREASURER

SUMMARY OF ORDINANCE NO. 316

ON MAY 26, 2016 THE CITY COUNCIL OF THE CITY OF SUGAR CITY ENACTED AND THE MAYOR APPROVED ORDINANCE NO 316, AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF SUGAR CITY, IDAHO; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF SUGAR CITY, IDAHO, AND THE CLASSIFICATION OF THE SAME UNDER THE ZONING ORDINANCE OF THE CITY OF SUGAR CITY, IDAHO; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

The following described parcels are annexed to the City of Sugar City and shall be, and are hereby declared to be a part of the City of Sugar City, Idaho:

Property located in Section 4, Twp. 6N., Rge. 40 E., Boise Meridian, Madison County, Idaho, and being more particularly described as follows:

That part of the Northeast quarter, and the Southeast quarter of the Northwest quarter of Section 4, Township 06 North, Range 40, E.B.M not currently in the city limits.

That the above described properties hereby annexed to the City of Sugar City be, and the same are hereby classified under the Zoning Ordinance of the City of Sugar City as TA Transitional Agriculture, that the Zoning Map of the City of Sugar City shall be amended to show this annexation and classification of the above described properties so annexed and that said amendment shall be certified to and declared to be the official Zoning Map of the City of Sugar City by a certificate of the Mayor and Council of the City of Sugar City endorsed thereon.

This ordinance shall be in full force and effect from and after its passage, approval and due publication. A copy of the full text of the ordinance is available for examination at Sugar City City Hall located at 10 East Center Street, Sugar City, Idaho.

**MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, MAY 26, 2016**

Presiding: Mayor David D. Ogden

Meeting Convened at 6:30 p.m.

Prayer: Bruce Arnell

Pledge of Allegiance – BSA Troop #109 posted the colors and led in the pledge of allegiance

PUBLIC HEARING (Ordinance No 304 Revisions “Animals Other Than Canines”): Mayor Ogden welcomed everyone and brought the public hearing to order. He asked Councilman Bruce Arnell to give a brief history of Ordinance No. 304 and explain why the council is considering revisions to amend the ordinance, which was recently passed in May 2014. City Clerk-Treasurer Wendy McLaughlin reported that there was one prior written testimony submitted by Mary Lou Wilding testifying against the ordinance, which the mayor read in full.

The mayor called for those for the proposal to testify. No one testified.

The mayor called for those neutral to the proposal to testify. No one testified.

The mayor called for those against the proposal to testify. Testimony is summarized below.

Mary Lou Wilding wrote it is discriminating against those who choose a different animal other than a dog or cat for a pet. “We do not need our freedom of choice taken away,” says Mrs. Wilding. “If you must vote to outlaw my choice of pets, then please be fair and outlaw all animals – cats and dogs included.”

Nita Eaton testified that among other amenities animals teach children responsibility. Ducks are good pest control, chickens lay eggs. Do not limit or take away individual choice or freedoms. Any problems that may arise could be solved with a good nuisance ordinance.

Jesse Brown testified that property rights are a sacred individual right and having this animal ordinance takes away some of those rights. A good nuisance ordinance would suffice.

Ginger Brown testified that animals are a good source of food for families. If a natural disaster occurred to interrupt the food supply they could be used to help with a shortage. There are many families that have benefited from the goat’s milk when their baby could not thrive on anything else.

Mark Oliphant testified that he agreed with the benefits that come with raising animals other than dogs or cats. The ordinance is too restrictive - if there are problems, work together to solve them.

Judy Oliphant asked why there were no individuals present to testify for the ordinance. Is it not important to them? It is important to us to have our animals, and we love them.

Todd Lines asked if the council was really listening to the citizens or was just going through the legal motions to passing an ordinance. Have you thought through the implications? Although the council has proposed revisions to Ordinance No. 304, the spirit of the ordinance has not changed.

7:25 p.m. The public hearing ended and the council convened its regular meeting.

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce Arnell, Matt Garner, and Bruce King; Chairman Brent Barrus and Commissioner Dave Thompson of the Planning and Zoning Commission; Planning and Zoning Commissioner; Scout leader Daniel Porter; Scouts – Braden Guyman and Wesley Johnson; Rexburg Standard Journal Reporter Lisa Smith; Citizens Jesse and Virginia Brown, Nita Eaton, Beau and Hannah Fuquay, Todd Lines, Mark and Judy Oliphant. Councilman Joe Cherrington excused.

Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on May 12, 2016. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman King and seconded by Councilman Garner to accept the minutes; motion carried. Councilman Cherrington was excused.

PLANNING & ZONING COMMISSION REPORT: Commissioner Brent Barrus reported on items of business:

Old Farm Estates Final Plat Report: Commissioners are still waiting to hear back from the Idaho Transportation Department on the proposed intersections.

Title 9 Revisions Update: The commission hopes to have the Title 9 revisions completed within the next couple of months.

City Impact Area Increase: Commissioner Dave Thompson reported that he met with Madison County Planning and Zoning and the City of Rexburg. Rexburg is looking at expanding their impact area south and west of Rexburg, which does not conflict with the area Sugar City is looking at. However, Rexburg still insists that all of the Harris property should be included in their impact area. The conflict will have to go to a 9-man committee to be resolved.

DALLING ANNEXATION & ZONING RECOMMENDATION POSSIBLE ADOPTION: The council adopted the ordinance to amend Chapter 3 of the city code to add a transitional agriculture (TA) zoning district. Glenn Dalling requested the zone.

ORDINANCE NO. 315:

Ordinance No. 315 was introduced and read by title only by Councilman Arnell, entitled:

“AN ORDINANCE AMENDING CHAPTER 3, OF THE SUGAR CITY, IDAHO CITY CODE TO ADD A TRANSITIONAL AGRICULTURE (TA) ZONING DISTRICT; PROVIDING FOR SEVERABILITY, REPEAL ANY ORDINANCE OR PROVISION WHICH MAY BE IN

CONFLICT WITH THE AMENDMENTS HEREIN; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE."

It was moved by Councilman Garner and seconded by Councilman King to waive reading of the ordinance on three different days and to place it upon its final passage provided that all mention of "Agricultural Zone" be changed to "Transitional Agriculture District" for clarity. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilmen Arnell, Garner, and King

Those voting nay: None

Councilman Cherrington was excused.

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilman Garner and seconded by Councilman Arnell to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilman King, Garner, and Arnell

Those voting nay: None

Councilman Cherrington was excused.

Ordinance No. 315 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No. 315 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho.

DALLING ANNEXATION AGREEMENT: The council also adopted the "Dalling Annexation Agreement," which provides that the water rights run with the land and transfer to the city as the land is developed. The agreement will not affect water rights needed for development.

MOTION: It was moved by Councilman Garner and seconded by Councilman King to adopt the annexation agreement by resolution; motion carried.

RESOLUTION NO. 2016-15 (Annexation agreement with Glenn W. and Dorothy Dalling and water rights): It was moved by Councilman Garner and seconded by Councilman King to approved Resolution No. 2016-14. Thereupon, the clerk called roll upon said motion.

Those voting aye: Councilman Arnell, Garner, and King

Those voting nay: None

Councilman Cherrington was excused.

Thereupon, the mayor declared the motion passed. A copy of said resolution is attached hereto marked "Attachment 1."

ORDINANCE NO. 316:

Ordinance No. 316 was introduced and read by title only by Councilman Arnell, entitled:

"AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF SUGAR CITY, IDAHO; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF SUGAR CITY, IDAHO, AND THE CLASSIFICATION OF THE SAME UNDER THE ZONING ORDINANCE OF THE CITY OF SUGAR CITY, IDAHO; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE".

It was moved by Councilman Garner and seconded by Councilman Arnell to waive reading of the ordinance on three different days and to place it upon its final passage. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilmen Arnell, Garner, and King

Those voting nay: None

Councilman Cherrington was excused.

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilman Arnell and seconded by Councilman Garner to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilman King, Garner, and Arnell

Those voting nay: None

Councilman Cherrington was excused.

Ordinance No. 316 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No. 316 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho.

HOUSING BALANCE CODE CHANGE: Councilman King discussed the idea of revising the city code to include a 10% ceiling on multi-family dwelling units within the city. He surveyed surrounding cities of similar size to Sugar City and found that most were about 10% of multi-family dwelling units compared to single-family dwellings. He suggested that the city allow more than double the 4% of multi-family dwelling units currently in town to 10 percent and then keep that ratio of housing as a means of housing balance. The Comprehensive Plan does not define "predominance" in single-family dwellings. With this proposed code change, "predominance"

would be defined and solidify a majority of single-family dwellings within the city. However, other members of the council concurred that a ceiling could limit land use and the land use process, zoning requirements, Planning and Zoning recommendations, and open the city to lawsuits. No motion was considered.

COST OF ORDINANCES: The council discussed the high cost of changing or adopting ordinances. Code and ordinance revision benefits must outweigh the costs. Legal costs are a major concern. The mayor asked the council and staff to coordinate legal questions in city matters through his office in order to minimize attorney time and duplication with individual emails and phone calls. The council was assured that staff meetings are coordination meetings rather than decision-making meetings and the council would be kept abreast of any policy issues and concerns.

FINAL PLAT APPROVAL PROCESS PROPOSED CHANGES: City Attorney Bill Forsberg attended the council meeting to review the city's final plat approval process. The current code, City Code 10-3-6, should be revised to clarify that the final plat process should be administered to make sure it is recordable. Instead of relying on the city council to examine the plat, the city engineer, public works director, attorney, county treasurer and all other field experts should certify the plat is complete and recordable to the city council. The plat must also be recorded before lots can be sold, which is not currently mentioned in the city code. The gold standard is to have the infrastructure completed. However, other agreements can be made in which mitigating circumstances prevent final infrastructure completion.

MOTION: It was moved by Councilman King and seconded by Councilman Garner to authorize Attorney Bill Forsberg to revise Title 10 concerning the final plat adoption process, with his recommendations to streamline and clarify the procedure; motion carried.

DENTAL, VISION, AFLAC-TYPE INSURANCE: The council discussed the costs and benefits of offering full-time employees, the council, and mayor dental, vision, and Aflac-type insurance. The council adopted the insurance benefits. The city will pay the monthly premiums for employees, council, and mayor only. Individuals who want to add coverage for their families will be responsible for the difference.

MOTION: It was moved by Councilman Garner and seconded by Councilman Arnell to approve the dental, vision, and Aflac-type insurance for full-time employees, council, and the mayor; motion carried.

DEPARTMENT REPORTS:

COUNCILMAN KING: City wide clean-up took only 3 days and was well done.

COUNCILMAN CHERRINGTON: Excused. Mayor reported that the Teton Dam Marathon is organized with all the volunteers needed to run the stations in Sugar City.

COUNCILMAN ARNELL: No report.

COUNCILMAN GARNER: No report.

MAYOR'S BUSINESS:

Ordinance Officer Cost Report: Mayor Ogden gave the council a handout on code enforcement officer duties, qualifications, and cost. The mayor will review the handout and prepare a recommendation at the next council meeting.

Safe Route to School Grant Report: Joseph Law has been asked to help with the city's grant writing. The Safe Route to School Grant is due June 1 and likely too late to submit for this year. The grant would be used for pedestrian street crossing lights.

Radio Transmitter and Existing Meters: A grant will be used to change existing meters to radio read meters instead of the citizens. The cost will average about \$135 per meter or about \$50,000 to change all existing meters.

Backflow and Sprinkler System Permit: The city will need to start permitting sprinkler systems to ensure they have a backflow device required by the Department of Environmental Quality (DEQ). Existing sprinkler systems will also be addressed.

Q&A Web Page: Councilman King will check on the viability of adding a question and answer page to the city's website.

Meeting adjourned at 9:35 p.m.

Signed: 

David D. Ogden, Mayor

Attested: 

Wendy McLaughlin, Clerk-Treasurer

The City of Sugar City, Idaho

Resolution No.: 2016 - 15

"A Resolution to Approve and Execute an Annexation Agreement with Glenn W. Dalling and Dorothy Dalling, trustees of the Glenn & Dorothy Dalling Revocable Trust for the Purpose of Transferring their Water Rights Prorated as the Property Develops or is Sold for Future Development, as part of the Annexation of the Aforementioned Property."

WHEREAS, the Council of the City of Sugar City, Idaho hereby desires to annex the property currently owned by the Glenn & Dorothy Dalling Revocable Trust, with Trustees Glenn W. Dalling and Dorothy Dalling, as evidenced by the property described in the attached Exhibit A; and

WHEREAS, the City of Sugar City hereby desires, upon annexation of this property, to fulfill its obligation to provide culinary and irrigation water for the development of said property; and

WHEREAS, the City of Sugar City does not have sufficient surplus water of its own to provide said need; and

WHEREAS, the owners of said property currently have sufficient water to assist the City in the provision of this obligation; and

WHEREAS, the owners of said property have a desire to transfer their rights to this water to the City on a prorated basis, as the property develops;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, AS FOLLOWS:

The City Council of the City of Sugar City, Idaho hereby approves the Annexation Agreement, transferring all subsurface and surface water rights, currently owned by the Dallings, prorated to the percentage of the property being developed, and authorizes the Mayor to execute the aforementioned agreement.

PASSED by the Council of the City of Sugar City on this 26th day of May, 2016

APPROVED by the Mayor of the City of Sugar City, Idaho, on this 26th day of May, 2016.

(Seal)

David D. Ogden
Mayor

ATTEST:

Wendy McLaughlin,
City Clerk - Treasurer

**ATTENDANCE AT PUBLIC HEARING
COUNCIL MEETING
THURSDAY, MAY 26, 2016 — 6:30 P.M.
("ANIMALS OTHER THAN CANINES" ORD. NO. 304
REVISIONS)**

| NAME | WISH TO TESTIFY | DO NOT WANT TO TESTIFY |
|-----------------------|--------------------|---------------------------|
| ✓ 1. Daniel Pott. | | ✓ |
| 2. Nita Eaton | yes | |
| 3. Virginia Brown | yes | |
| 4. Julie Brown | yes | |
| ✓ 5. ✓ Braden Gutmann | | |
| ✓ 6. Wesley Johnson | | |
| ✓ 7. Mark O'Pharst | ? Yes | |
| ✓ 8. Judy Elephant | Yes | X |
| ✓ 9. Todd Liles | Yes | |
| 10. | | |
| 11. | | |
| 12. | | |
| 13. | | |
| 14. | | |
| 15. | | |
| 16. | | |
| 17. | | |